

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X
IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03 MDL 1570 (GBD)

X
THIS DOCUMENT RELATES TO:

Fiona Havlish, et al. v. Bin-Laden, et al.
03 CV 9848 (RCC)

This document is filed on behalf of those Plaintiffs in the above case seeking unliquidated damages for losses as they relate to personal injuries and deaths suffered by victims of the September 11th Terrorist Attacks. Those Plaintiffs are listed in Exhibit A attached hereto.

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT AND
JUDGMENT BY DEFAULT AGAINST NON-SOVEREIGN DEFENDANTS**

PLEASE TAKE NOTICE that the *Havlish* plaintiffs listed in Exhibit A, pursuant to Fed.R.Civ.P. 55 and Local Civil Rules 55.1 and 55.2, hereby move for Entry of Default and Judgment by Default against the following non-sovereign Defendants: Sheikh Usamah Bin-Muhammad Bin-Laden, a/k/a Osama bin-Laden; The Taliban, a/k/a The Islamic Emirate of Afghanistan; Muhammad Omar; and Al Qaeda/Islamic Army (the "Non-Sovereign Defendants").

This Motion for Entry of Default and Judgment by Default is supported by the following: 1) Exhibit A: List of *Havlish* Plaintiffs Seeking Entry of Default and Judgment by Default; 2) Exhibit B: List of Non-Sovereign Defendants served by publication and currently in Default; 3) Exhibit C: *Havlish* Second Amended Complaint; 4) Exhibit D: Affidavit of Service or Original Process Upon All Defendants filed in the U.S.D.C., District of Columbia (the originating court for the *Havlish* action); 5) Exhibit E: Statement of Damages; 6) Exhibit F:

Letter to SDNY Orders & Judgments Clerk; 7) Exhibit G: Clerk's Certificate of Default¹; 8) Exhibit H: Affidavit of Stephen A. Corr, Esquire in support of Entry of Default and Judgment by Default; and 9) Exhibit I: Proposed Order for Default Judgment.

The *Havlish* Plaintiffs seek the appropriate, most efficient and expeditious path to obtaining judgment by default against the Non-Sovereign Defendants. In the event this Honorable Court believes remand is appropriate under the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Plaintiffs have attached, as Exhibit J, an alternative proposed Order: Suggestion of Remand.

WHEREFORE, the *Havlish* Plaintiffs respectfully request that this Honorable Court enter the proposed Order attached hereto as Exhibit I and schedule a hearing to establish Plaintiffs' unliquidated damages as soon as practicable or, in the alternative, enter the Proposed Order: Suggestion of Remand attached hereto as Exhibit J.

Dated: August 29, 2008
Doylestown, Pennsylvania

s/ Stephen A. Corr

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Counsel for Havlish Plaintiffs

¹ Plaintiffs have not yet received a signed Certificate of Default against the Non-Sovereign Defendants.

CERTIFICATE OF SERVICE

I, Stephen A. Corr, Esquire, hereby certify that the defendants in the matter of *Havlish, et al. v. bin Laden, et al.*, are in default and have not registered for ECF and, therefore, those defendants have not been served with the attached Motion. All other interested parties in the consolidated actions are being served through the ECF system this 29th day of August, 2008.

s/ Stephen A. Corr

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